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13 Attorney for Plaintiff MICROSOFT CORPORATION

14
15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE DISTRICT OF NEVADA

17 MICROSOFT CORPORATION,
18
19 Plaintiff,

20 v.

21 PACIFICGEEK.COM LLC, a Nevada limited
liability company; KIRK FRANTZ, an
22 individual; DYLAN FRANTZ, an individual,
and MARK FRANTZ, an individual,
23
24 Defendants.

Case No. 2:10-cv-00174

STIPULATED PERMANENT INJUNCTION
AGAINST DEFENDANTS

25 Pursuant to the stipulation of Plaintiff Microsoft Corporation (“Microsoft”), and
26 Defendants PacificGeek.com LLC, a Nevada limited liability company, and Kirk Frantz, an
27 individual (collectively, “Defendants”), the Court hereby orders that Defendants, along with their
28 directors, principals, officers, agents, servants, employees, representatives, successors and

1 assigns, and all those persons or entities acting in concert or participation with them, shall be and
 2 hereby are **PERMANENTLY ENJOINED** and restrained from:

3 (a) imitating, copying, or making any other infringing use or infringing
 4 distribution of software programs, components, end user license agreements ("EULA") or items
 5 protected by Microsoft's registered trademarks and service mark, including, but not limited to, the
 6 following Trademark Registration Nos.:

- 7 (1) 1,200,236 ("MICROSOFT");
- 8 (2) 1,256,083 ("MICROSOFT");
- 9 (3) 1,872,264 ("WINDOWS"); and
- 10 (4) 2,744,843 (COLORED FLAG DESIGN);

11 or the software programs, components, EULA, items or things protected by the following
 12 Certificate of Copyright Registration No.:

- 13 (1) TX 5-407-055 ("Windows XP Professional");

14 and any other works now or hereafter protected by any of Microsoft's trademarks or copyrights;

15 (b) manufacturing, assembling, producing, distributing, offering for
 16 distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying
 17 any software program, component, EULA, item or thing bearing any simulation, reproduction,
 18 counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks or service
 19 mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in
 20 Paragraph (a) above;

21 (c) using any simulation, reproduction, counterfeit, copy, or colorable
 22 imitation of Microsoft's registered trademarks or service mark including, but not limited to, the
 23 Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with
 24 the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement,
 25 promotion, or display of any software, component, EULA, item or thing not authorized or
 26 licensed by Microsoft;

27 (d) using any false designation of origin or false description which can or is
 28 likely to lead the trade or public or individuals erroneously to believe that any software,

1 component, EULA, item, or thing has been manufactured, produced, distributed, offered for
 2 distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or
 3 for Microsoft, when such is in fact not true;

4 (e) using the names, logos, or other variations thereof of any of Microsoft's
 5 copyright and/or trademark-protected software programs in any of Defendant's trade or corporate
 6 names;

7 (f) engaging in any other activity constituting an infringement of any of
 8 Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use
 9 or to exploit these trademarks, service mark, and/or copyrights or constituting any dilution of
 10 Microsoft's name, reputation, or goodwill; and

11 (g) assisting, aiding, or abetting any other person or business entity in engaging in or
 12 performing any of the activities referred to in paragraphs (a) through (f) above.

13 **IT IS SO STIPULATED.**

14 DATED: September 19, 2011

PACIFICGEEK.COM LLC

15
 16 By: 

17 DATED: September 19, 2011

KIRK FRANTZ

18
 19 By: 

20 DATED: September 22, 2011

MICROSOFT CORPORATION, a Washington
 21 corporation

22
 23 By: 
 Assistant Secretary

24 **IT IS SO ORDERED.**

25 DATED: September 29, 2011.

26
 27 
 HON. ROGER L. HUNT
 28 UNITED STATES DISTRICT JUDGE

1 Approved as to Form:

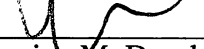
2
3 Dated: September __, 2011

4 KELLEHER & KELLEHER

5
6 By: 
John Kelleher

Dated: September  29, 2011

PERKINS COIE LLP

By: 
Katherine M. Dugdale, (admitted *pro hac*
vice)

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FULLER, LTD

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12 DYLAN FRANTZ, and MARK FRANTZ

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CORPORATION